

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

SCOTT TUBIAK and EDWARD
CUELLO, on behalf of themselves and
all others similarly situated,

Plaintiff,

v.

THE NIELSEN COMPANY (US), LLC, and
NIELSEN HOLDINGS N.V.,

Defendants.

No. 15-cv-5159 (PKC)

NOTICE OF MOTION

PLEASE TAKE NOTICE THAT, upon the accompanying Memorandum of Law in Support of Joint Motion for Approval of Fair Labor Standards Act Settlement, and the accompanying Declaration of Orin Kurtz, Named Plaintiffs, Scott Tubiak and Edward Cuello (“Named Plaintiffs”), individually and on behalf of the Thirty-Two (32) Opt-In Plaintiffs who are all Class Members, and Defendants The Nielsen Company (US), LLC and Nielsen Holdings N.V. (collectively “Defendants”), will move this Court, before the Honorable P. Kevin Castel, United States District Judge for the United States District Court, Southern District of New York, located at 500 Pearl Street, New York, New York 10007, Courtroom 11D, at a date and time to be determined by the Court, for an order approving (1) the Parties’ Fair Labor Standards Act settlement in the amount of \$105,561.00; (2) Service Awards of \$5,000.00 each to Named Plaintiffs Scott Tubiak and Edward Cuello; (3) attorneys’ fees and expenses to Class Counsel in the amount of \$149,439.00; and (4) the dismissal, without prejudice, of the claims of one Nielsen employee who opted in to this action but was determined not be a Class Member.

The Parties have submitted a Proposed Order herewith.

Dated: New York, NY
December 1, 2016

Respectfully submitted,

CLASS COUNSEL:

LAW OFFICE OF KEITH M. STERN, P.A.

By: /s/Keith M. Stern*
KEITH M. STERN

CLASS COUNSEL:

GARDY & NOTIS, LLP

By: /s/Orin Kurtz
ORIN KURTZ

ORRICK, HERRINGTON & SUTCLIFFE LLP
Attorneys for Defendants The Nielsen Company (US), LLC, and
Nielsen Holdings N.V.

/s/ Lisa B. Lupion*

Jessica R. Perry
1000 Marsh Road
Menlo Park, CA 94025
650-614-7400
jperry@orrick.com

Lisa B. Lupion
51 West 52nd Street
New York, NY 10019
212-506-5000
llupion@orrick.com

* Electronic signature used with the permission of counsel.